

(2010) 11 PAT CK 0108

In the Patna High Court

Case No : Criminal Miscellaneous No. 39441 of 2007

Salful Singh

APPELLANT

Vs

The State of Bihar, Dr. Indal Singh, Navin Ex-Incharge
Principal, R.K.P.L.D. Kishan College and Gopal Prasad
Mashkhara

RESPONDENT

Date of Decision : 18-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120, 420, 467, 468, 471

Citation : (2010) 11 PAT CK 0108

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—Today again, on call none appeared on behalf of the Petitioner either to press this petition or to make a prayer for adjournment. However, Sri M.K. Khare, learned Addl. Public Prosecutor appearing on behalf of the State is present. On 16.11.2010 also none appeared on behalf of the Petitioner. However, the case was adjourned for the day with an indication that no further adjournment shall be granted.

2. While invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, the Petitioner has prayed for quashing of an order dated 31.5.2007 passed by Shri Shailendra Kumar Pandey, learned Addl. Sessions Judge/F.T.C. No. 1, Sitamarhi in Cr. Revision No. 129 of 2006. By the said order, while allowing the revision petition, learned Addl. Sessions Judge has set aside the order dated 28.4.2006 passed by Sri Ashok Kumar Gupta, learned Judicial Magistrate, 1st Class, Sitamarhi in Complaint Case No. 848 of 2005, T.R. No. 1728 of 2007, whereby the learned Magistrate had taken cognizance of offences under Sections 420, 467, 468, 471, 120B of the Indian Penal Code against Opp. Party Nos. 2 and 3.

3. It appears from the record that earlier the Petitioner had filed a complaint against altogether 13 persons arraying them as accused including Opp. Party Nos. 2 and 3. It appears that the complaint petition was related with the dispute of property of an Institution. After conducting enquiry, the learned Magistrate had taken cognizance of offences only against Opp. Party Nos. 2 and 3.

4. Aggrieved with the order of cognizance, Opp. Party Nos. 2 and 3 had preferred a revision vide Cr. Revision No. 129 of 2006. Perusal of the revisional order dated 31.5.2007 indicates that the learned Addl. Sessions Judge has examined the materials in detail and was of the opinion that for dispute relating to property of Institution, the complainant may not be allowed to invoke jurisdiction of a criminal court . By assigning a detailed reason, the learned Addl. Sessions Judge has set aside the order of cognizance.

5. After going through the record, the Court is satisfied that the impugned order requires no interference. Accordingly, the petition stands rejected.